



UNITED STATES PATENT AND TRADEMARK OFFICE
DIVISION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Dep & Ref
PATENT MAINTENANCE
DIVISION 307

In re Application of:

Carl G. Hellerqvist 2004 JUL 30 PM 3: 23

Application No.: 09/776,865

Art Unit: 1642

Filed: February 2, 2001

Examiner: Stephen L. Rawlings

For: Methods for Preventing or
Attenuating Pathoangiogenic Conditions

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On May 14, 2004, the United States Patent and Trademark Office debited Deposit Account No. 11-0855 \$475 for the fee for a three-month extension of time in the above-referenced patent application. The most recent submission by the applicants' representatives in this case was January 16, 2004 Request for Continued Examination, no extension of time for filing of which should have been necessary. Applicants request refund of the extension fee.

MPEP 706.07(f)(A) states that if a reply to a Final Office Action is filed within two months, the shortened statutory period for responding to the Final Office Action will expire at three months from the date of the final rejection or on the date the Advisory Action is mailed, whichever is later, and in no event can the statutory period for reply expire later than six months from the date of the final rejection. A

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 23, 2004.

Elena S. Polovnikova

Elena S. Polovnikova, Ph.D.- Reg. No. 52,130

ATL.LIB02 162878.1

BEST AVAILABLE COPY

BEST AVAILABLE COPY

Final Office Action was issued on July 16, 2003. Applicants filed a Response to the Final Office Action on September 16, 2003, within two months of the date of the Final Office Action. The six-month anniversary of the Final Office Action was January 16, 2004. No Advisory Action was received by applicants, and, to the best of applicants' knowledge, no Advisory Action was mailed. The Request for Continued Examination was filed on January 16, 2004, the six-month anniversary of the Final Office Action. Therefore, it is believed that the statutory period for reply to the Final Office Action was its six-month anniversary, January 16, 2004, and no extensions of time for filing the Request for Continued Examination were necessary.

The Office is requested to refund the extension fee of \$475.00 by means of crediting Deposit Account No. 11-0855.

Please contact the undersigned if there is any question about the foregoing.

Respectfully submitted,



By: Elena S. Polovnikova, Ph.D.
Patent Agent
Reg. No.: 52,130

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street N.E.
Atlanta, Georgia 30309
(404) 815-6500
Docket: 49530-252687 (22100-0100)

2004 JUL 30 PM 3:23

INVENTOR DIVISION



LCE 1600

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995

| | |
|------------------------|---------------------------|
| Application Number | 09/776,865 |
| Filing Date | February 2, 2001 |
| First Named Inventor | Carl G. Hellerquist |
| Group Art Unit | 1642 |
| Examiner Name | Stephen L. Rawlings |
| Attorney Docket Number | 49530-252687 (22100-0100) |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may file a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on September 16, 2003. (Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Request for Continued Examination

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ Check in the amount of \$385.00 is enclosed for the following fees:
- i. ☒ RCE fee under 37 C.F.R. § 1.17(e), REQUIRED when filing the RCE.
- ii. ☐ Extension of time fee under 37 C.F.R. 1.136 and 1.17.
- b. ☒ The Director is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account No. 11-0855

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

| | | |
|-----------|-----------------------------|-----------------------|
| Type Name | Elena S. Polovnikova, Ph.D. | Reg. No. 52,130 |
| Signature | <i>Elena S. Polovnikova</i> | Date January 16, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

| | | |
|---|-----------------------------|-----------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. 703-308-6916) on: | | |
| Type Name | Elena S. Polovnikova, Ph.D. | |
| Signature | <i>Elena S. Polovnikova</i> | Date January 16, 2004 |

Adjustment date: 09/03/2004 EEKUBAY1
05/14/2004 KDOWNING 000000001 110855 09776865
01 FC:2853 475.00 CR

05/14/2004 KDOWNING 000000001 110855 09776865
01 FC:2853 475.00 CR

RECEIVED
JAN 23 2004
TECH CENTER 1600/2900

BEST AVAILABLE COPY